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Chairman: Mr. Majoor ..... (Netherlands)
later: Ms. Seanedzu (Vice-Chairman) ..... (Ghana)
later: Mr. Majoor ..... (Netherlands)

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The meeting was called to order at 3.05 p.m.

Agenda item 64: Promotion and protection of human rights (*continued*) (A/63/123, A/63/281-S/2008/431 and A/63/370-S/2008/614)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/63/161, 223, 259, 263, 270-272, 274, 275, 278, 286-290, 292, 293 and Corr.1, 299, 313, 318, 337, 340, 365, 367 and 486)

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(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/63/264 and Corr.1)

1. **Ms. Jahangir** (Special Rapporteur on freedom of religion or belief), introducing her interim report (A/63/161), said that the Human Rights Council had in December 2007 reorganized and improved the terms of reference of her mandate according to four main axes.

2. The first axis consisted of promoting measures to ensure the promotion and protection of the right to freedom of religion or belief. At the national level, she had discussed the situation in a given country with representatives of States and civil society. At the regional level, she had addressed the issue of inter- and intra-religious dialogue through awareness-raising, and had participated in a regional initiative to develop guiding principles on teaching about religion and beliefs in public schools. At the international level, she supported the proposal for a United Nations decade of interreligious dialogue and cooperation for peace, and had contributed to the Durban Conference review process. In early October 2008, she had taken part in an expert seminar organized by the Office of the High Commissioner for Human Rights on freedom of expression and advocacy of religious hatred.

3. The second axis consisted of identifying obstacles to the enjoyment of the right to freedom of religion or belief and recommending ways and means to overcome them. Since her previous report (A/62/280), she had visited Angola, Israel, the Occupied Palestinian Territory, India and Turkmenistan. Her report on the visit to Angola had been presented to the Human Rights Council in March 2008; the remainder would be presented to the Council at its tenth session.

4. The third axis consisted of continuing to examine incidents and governmental actions incompatible with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and recommending remedial measures. Since 1986, over 1,100 allegation letters and appeals had been sent to a total of 130 States. However, those letters alone did not give an exhaustive picture of the situation.

5. The fourth consisted of applying a gender perspective, inter alia, through the identification of gender-specific abuses. In that connection, citizenship issues and religious discrimination in administrative procedures were of particular concern. In some cases, citizenship or access to certain posts was denied on the basis of a person's religious affiliations in ways that amounted to discrimination. The compulsory mentioning of selected religions on official identification cards created a serious risk of abuse. The State was entitled to determine the criteria on the basis of which citizenship was granted, but should not discriminate on the basis of religion or belief. States may have a legitimate interest in limiting certain manifestations of religion; but that limitation must have a legitimate aim, be proportionate to that aim, and be subject to the possibility of challenge and remedy.

6. On the sixtieth anniversary of the Universal Declaration of Human Rights and of the Convention on the Prevention and Punishment of the Crime of Genocide, it was more important than ever to defend the values enshrined in those documents. Article 18 of the Declaration, concerning freedom of thought, conscience and religion, was of particular relevance to her mandate. The right to change one's religion or belief had consistently been asserted by consensus in General Assembly resolutions; yet some delegations on the Human Rights Council appeared to challenge that right.

7. Lastly, she drew attention to the new universal periodic review mechanism, adopted by the Human Rights Council, which would help follow up the communications and country visits of special-procedures mandate holders. She intended to reinforce the follow-up procedure through letters providing updated information on how her recommendations had been implemented.

8. **Ms. Basso** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Georgia, Iceland, Liechtenstein, the Republic of Moldova, Norway and Ukraine, noted that according to the Special Rapporteur's report, any denial or deprivation of citizenship must be based on a legitimate aim, be proportionate to that aim, and be subject to challenge. She wished to know what criteria might be used to determine legitimacy, and what form any challenge should take.

9. **Mr. Hanford** (United States of America) said that the right to change one's faith and to worship in public or private, as enshrined in article 18 of the Declaration, was a test of States' respect for freedom of religion. His country was concerned at the practices of a number of States, including the Democratic People's Republic of Korea, the Islamic Republic of Iran and Eritrea. The report warned of the risk posed by the compulsory mentioning of religious affiliations on identity documents; his country encouraged all States to move away from that practice.

10. He asked whether the Special Rapporteur had approached any Governments regarding the implementation of her recommendations, and what requests for country visits remained outstanding. He also wished to know what qualities characterized good cooperation and allowed productive visits.

11. **Ms. Daes** (Greece) asked whether the Special Rapporteur had encountered any cases of genocide or crimes approaching genocide.

12. **Mr. Prabowo** (Indonesia) said that his delegation believed that any limitations on freedom of religion should be the product of an open, democratic and inclusive legislative process; he wished to know whether the Special Rapporteur agreed with that position.

13. He further asked whether, as a result of the Special Rapporteur's visit to the Occupied Palestinian Territory and to Israel, she could suggest any workable ways and means to foster a culture of peace and religious tolerance at the grass-roots level, thereby furthering the peace process.

14. **Mr. Alakhder** (Libyan Arab Jamahiriya) said that in some cases, a person or group from outside a given State might apply for citizenship while espousing an ideology that posed a security risk to that State. He wondered whether in such cases, the State might be justified in denying citizenship.

15. He also requested clarification as to how a gender perspective was relevant to the Special Rapporteur's mandate: where there was discrimination on the basis of religion or belief, it affected both genders.

16. **Ms. Jahangir** (Special Rapporteur on freedom of religion or belief) said that, in balancing freedom of religion with the role of the State, it was important to consider whether national jurisdiction allowed for independent judicial forums or similar unbiased bodies; whether a legitimate right had been endangered; whether the measures taken involved as few restrictions as possible; whether the measure was proportionate; and whether the measure was likely to promote religious tolerance, or to stigmatize any religious community. The burden of justifying such limitations lay with the State.

17. She recalled that the Siracusa principles on the limitation and derogation provisions in the International Covenant on Civil and Political Rights included the possibility of challenge to and remedy against the abusive application of every limitation. An autonomous and independent ombudsperson could play a valuable role in that connection.

18. She had not yet had the opportunity to approach Governments regarding the implementation of her recommendations, but intended to do so to the extent of her limited resources. A number of visits were pending, and those conducted thus far had all been rewarding. States to be visited included Bangladesh, Bhutan, Cambodia, Chile, China, Cuba, the Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Indonesia, the Islamic Republic of Iran, Kyrgyzstan, the Lao People's Democratic Republic, Malaysia, Mauritania, Mauritius, Myanmar, Pakistan, the Russian Federation, Saudi Arabia, Serbia, Thailand, Uzbekistan, Viet Nam and Yemen. A visit to Serbia would take place the following year. She hoped that the countries with standing invitations would prove forthcoming.

19. The terms of reference for a successful visit included access to all Government departments and material; the opportunity of private meetings without

interference or the threat of reprisals for participants; and the opportunity for exchange between the Special Rapporteur and the Government.

20. She had not encountered signs of Government-backed genocide. She did, however, regret that Governments had often failed to learn from outbreaks of violence and prevent subsequent backlashes. Moreover, some Governments had maintained a state of tension or persecution that destroyed religious minorities individually or collectively.

21. Although there was a link between freedom of religion and democracy, violence and polarization sometimes occurred where democracy and religious freedom were upheld. In other cases, mature democracies excluded religious minorities more subtly.

22. With regard to the situation in the Occupied Palestinian Territory and Israel, she said that grass-roots action could help build confidence and bring people together. However, peace would ultimately require political will.

23. Citizenship might legitimately be denied where there was a threat of militancy. However, it would be discriminatory to assume that everyone belonging to a given religion was a militant.

24. One example of the gender dimension of freedom of religion occurred where women were asked to accept an injustice on religious grounds, when the same was not expected of men.

25. **Ms. Rasheed** (Observer for Palestine) welcomed references in the report (A/63/161) to violations of the religious rights of Palestinians through such elements as separate roads for settlers, the separation wall and checkpoints. However, the report had not discussed the desecrations of holy sites perpetrated with impunity by illegal Israeli settlers, including in East Jerusalem. She asked how the international community might address such violations, whether committed by Israeli forces or by settlers.

26. **Ms. Wade** (Canada) expressed concern at the practice of withholding citizenship or other documents on the basis of religious belief, or restricting access to education, medical care or other services in an attempt to compel people to recant, change or adhere to certain beliefs. She asked whether the Special Rapporteur had observed any positive trends on the issues contained in the report, such as legislative reforms to end discriminatory practices in regard to the granting of citizenship.

27. **Mr. Schlosser** (Israel) noted the importance of the issues under discussion to his country in the light of the tragic history of the Jewish people, particularly during the Holocaust. He asked how visits to countries in the Middle East could be encouraged, given that some countries had been asked to extend invitations.

28. **Ms. Raabymagle** (Denmark), referring to the Special Rapporteur's comment that reserving legislative seats for members of religious minorities might be an example of legitimate differentiation, asked if she had other ideas on how to improve protection of the rights of religious minorities. She also asked what proposals the Special Rapporteur had for improving cooperation between countries and herself, in addition to sending follow-up letters after country visits to receive updates on national implementation.

29. **Ms. Arakelian** (Netherlands) asked whether efforts to protect the rights of members of religious minorities were leading to undue limitations on freedom of expression and where the line should be drawn.

30. **Mr. Ramadan** (Lebanon), referring to paragraph 13 of the report, which stated that, because of checkpoints and barriers established by Israel, Palestinian Muslims and Christians were impeded from worshipping at some of their most holy sites, asked whether that was a systematic violation of the right of Palestinians to religious freedom and whether the Special Rapporteur had raised the issue with Israel.

31. **Mr. Bahreyni** (Islamic Republic of Iran) said that certain policies of the United States, such as launching wars sometimes referred to as religious wars, fostered religious hatred and impeded peaceful coexistence. Announcements by certain countries that they would not participate in the Durban Review Conference in 2009 were problematic. Lastly, he noted that many United Nations documents indicated that the situation in the Occupied Palestinian Territories was cultural genocide. It should be considered as such.

32. **Ms. Jahangir** (Special Rapporteur on freedom of religion or belief) said that, in regard to illegal Israeli settlers, impunity should not be granted to those who violated the religious freedoms of others. Moreover, there were few examples of legislative reforms in granting citizenship that could be cited. The countries

of the Middle East remained a serious gap in her mandate and she hoped to visit all the countries listed. With regard to affirmative action taken for religious minorities, there were examples of such measures in a number of countries, for example in Pakistan. The purpose should be inclusion and accommodation, rather than integration and assimilation. There was indeed a tension between freedom of expression and freedom of religion, and neither should be sacrificed for the sake of the other. The tolerance threshold for freedom of expression must be higher. In the Occupied Palestinian Territories, checkpoints had been devastating for those who could not go to worship; the system of barriers was a consistent violation of freedom of religion.

33. **Mr. Scheinin** (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism), introducing his report (A/63/223), said that progress had been made in the inclusion of human rights in the framework of United Nations action against terrorism. There was broad consensus that the effective combat of terrorism must include promotion and protection of human rights. The review of the Global Counter-Terrorism Strategy, leading to the adoption of General Assembly resolution 62/272, bore witness to that, by recognizing that international cooperation and measures taken by Member States must comply with international law, including human rights law, refugee law and international humanitarian law, when combating terrorism.

34. In December 2007, he had visited Guantánamo Bay to observe Military Commission hearings. Regrettably, the United States had retained its policy of not allowing United Nations special rapporteurs to visit detained persons without monitoring. The visit had confirmed his misgivings regarding the inability of the Military Commissions to provide a trial in keeping with international human rights law standards on the right to a fair trial. Those concerns had been confirmed by the United States Supreme Court, which had found the Military Commissions Act unconstitutional owing to its denial of habeas corpus.

35. In May 2008 he had gone to Spain on an official mission which had included private interviews with domestic and foreign terrorist suspects. Spain was to be commended for its role in promoting a response to terrorism which maintained human rights standards. Some of its approaches could be regarded as best practices. However, the continued use of incommunicado detention for terrorism suspects was of concern.

36. Requests for country visits to Algeria, Egypt, Malaysia, Pakistan and the Philippines were pending. The Government of Tunisia had recently extended an invitation and a visit would no doubt occur in the near future.

37. Best practices for securing the right to a fair trial and due process while combating terrorism included: securing access to court; securing the independence and impartiality of courts; retaining the public nature of trials; securing respect for prohibitions against torture and other forms of ill treatment, self-incrimination and other unlawful methods of obtaining evidence; relying as much as possible on ordinary courts; disclosing to the defence all evidence relied upon by the prosecution and all exculpatory evidence in the possession of the authorities; securing the right of effective representation, even when there was reason to require court-appointed counsel or counsel with a security clearance; applying criminal standards or a hybrid standard of proof; and, in countries where capital punishment was still practised, applying the most rigorous standards of fair trial.

38. Another matter of concern was the listing of terrorist suspects, which had been adopted as an emergency measure through Security Council resolution 1267 (1999). Now in place for some years, the measure had resulted in hundreds of individuals and entities having their assets frozen and other fundamental rights restricted without a proper procedure for being heard or for having their case reviewed by an independent body. As long as there was no independent review of listings at the United Nations level, there must be access to domestic judicial review and persons subject to such measures must be informed of them, must know the case against them and must be able to be heard within a reasonable time by the relevant decision-making body.

39. In a recent case before the European Court of Justice, the Court had made a distinction between the imposition of the sanctions by the Security Council and the implementation of the sanctions by national or European Union authorities, stating that the latter were bound by fundamental rights in implementing the sanctions. The Council of the European Union had been given three months to remedy the shortcomings of

the listing mechanism, otherwise the regulation implementing the listing in the European Union would become null and void. Other challenges to the listing regime had come from national, regional and judicial bodies. The United Nations had responded with Security Council resolution 1822 (2008), which set a two-year timeline for a review of all names on the Consolidated List. However, that was not sufficient.

40. Possible solutions included: providing the European Union and Governments with information on the grounds for listing, so that listed individuals or entities could be informed and contest the implementation in national or European Union courts; letting the European Union regulation implementing the listing regime become null and void, so that national authorities would then be responsible for implementing the sanctions (that was not a preferred option, as it would lead to a wave of litigation and damage the credibility of the United Nations counter-terrorism framework); introducing an independent review mechanism at the United Nations level; or abolishing the Al-Qaida and Taliban Sanctions Committee established under Security Council resolution 1267 (1999), so that Security Council resolution 1373 (2001) would serve instead as a basis for national terrorist lists. The latter was the most radical solution.

41. **Ms. Basso** (France) asked what measures should be taken most urgently to ensure the right to a fair trial and due process to those accused of terrorist activities.

42. **Mr. Vigny** (Switzerland) asked whether the Special Rapporteur thought it would be effective to have a jurisdictional delisting mechanism at the national level if the final decision was in the hands of the 1267 Committee. He wondered what would happen if a national jurisdictional body decided in favour of an individual on the United Nations list and then the 1267 Committee did not follow up on the national decision.

43. **Mr. Faati** (Gambia) asked what sort of attention the General Assembly should give to the issue of listing and delisting.

44. **Mr. Banos** (United States of America) said that his country did not agree with many of the statements of international law contained in the report. The United States believed that the appropriate law for individuals captured during armed conflict was international humanitarian law, not international human rights law. To say that the protections of international human rights law did not cease in cases of armed conflict was not the same as asserting that international human rights law somehow altered or displaced international humanitarian law where it directly applied. The United States Government had carefully crafted legislation for the conduct of military commissions that satisfied or exceeded the procedural safeguards required by Common Article 3 of the Geneva Conventions. Detainees at Guantánamo also had the constitutional right to challenge their detainment under habeas corpus, a right virtually unprecedented in the history of armed-conflict law. They could also seek review in federal court of any conviction handed down by a military tribunal. There was disagreement on the legal regimes that applied in such cases but the Special Rapporteur was requested to take the differences of opinion into account in his future reports.

45. **Ms. Raabymagle** (Denmark) asked whether the Special Rapporteur had any specific proposals to improve cooperation between States and himself in relation to visits and communication and asked about his future plans regarding country visits.

46. **Ms. Robles** (Spain) said that her country would like to engage in dialogue about the report of the Special Rapporteur on his visit to Spain when that report was submitted to the Human Rights Council.

47. *Ms. Seanedzu (Ghana), Vice-Chairman, took the Chair.*

48. **Mr. Garcia Collada** (Cuba) said that his country shared many of the concerns contained in the report, such as the incompatibility of the military commissions with applicable international norms regarding the categorization of unlawful enemy combatants and their illegal status. The military commissions flagrantly and constantly violated the right to due process. It would be appreciated if the Special Rapporteur could expand upon his ideas on the problems faced by military judges in implementing the principles of a fair trial. The United States should resolve the situation at Guantánamo, which had been illegally occupied for many years. Cuba was also concerned about the Posada Carriles case and other, similar ones in which terrorist acts, including attempts on the lives of Heads of State in many parts of the world, had been met with impunity.

49. **Mr. Alday González** (Mexico) underscored the importance of the Special Rapporteur's work, in particular his increasing interaction with United

Nations bodies involved in combating terrorism. The Special Rapporteur could make a useful contribution to discussion of the Organization's goal of ensuring protection for human rights in the context of anti-terrorism measures, for example Security Council resolution 1822 (2008).

50. **Mr. Sen** (Turkey) wondered why the Special Rapporteur stated in paragraph 29 of his report (A/63/223) that the loss-assessment commissions created pursuant to his Government's Compensation Act lacked judicial independence and objectivity. He pointed out that the decisions of the commissions were in fact subject to judicial review. Furthermore, the European Court of Human Rights had recognized those commissions as constituting an effective domestic remedy.

51. Turning to the Special Rapporteur's concerns about his Government's classification of organizations linked to terrorist crimes (para. 16), he said that the criteria for such designations were clearly set out in anti-terrorism legislation and that counter-terrorism measures were always subject to judicial review. He asked how differences of opinion regarding such issues between the Special Rapporteur and regional or United Nations mechanisms could be avoided.

52. *Mr. Majoor (Netherlands), Chairman, resumed the Chair.*

53. **Ms. Abdelhak** (Algeria) said that her Government, like others, received and generally approved requests from various bodies to authorize missions. Any delay in acceding to a request, for example from the Special Rapporteur, could be attributed to the crisis in the country in the past, which had been resolved through reconciliation. Her Government welcomed missions if the terms of reference of the mission did not violate the sovereign will of the Algerian people.

54. **Mr. Barriga** (Liechtenstein), referring to the establishment of lists of individuals and organizations by sanctions bodies and the need to guarantee respect for due process, asked whether a higher standard needed to be applied for lists in the area of counter-terrorism efforts, which were international and wide-ranging, as compared to lists relating to other types of sanctions, for example the political elite of a specific country.

55. **Mr. Tarar** (Pakistan) said that the Office of the Special Rapporteur had contacted the Government of Pakistan regarding the request for a visit. It would therefore be preferable to continue to address that issue on a bilateral basis rather during the discussions of the Third Committee.

56. **Mr. Scheinin** (Special Rapporteur on the promotion and protection of human rights while countering terrorism), in response to the representative of France, stressed the need to guarantee the right to a fair trial and respect for all human rights for persons accused of involvement in terrorism in order to ensure the sustainability of the fight against terrorism. He cautioned that the alienation and feeling of injustice caused by failure to do so could in itself drive individuals to have recourse to terrorism.

57. Turning to the issue of sanctions-committee lists raised by the representatives of Switzerland, Liechtenstein, Mexico and Gambia, he said that the lists established by United Nations mechanisms were international in scope and application. A domestic court could quash the application of such lists but its decision would be applicable solely within the country concerned; that principle had been upheld by the European Court of Justice. Judicial review of such lists was in fact currently possible only at the domestic level, pending the establishment of some adequate internal review mechanism at the level of the Organization.

58. If such a review mechanism were established, its method of work would have to provide sufficient guarantees of due process to convince a domestic court that the rights of individuals on the lists were protected. As for the influence the General Assembly could have over sanctions mechanisms, he reiterated that judicial review of the implementation of sanctions by Governments currently fell to domestic courts. The General Assembly could of course adopt resolutions to provide guidance to States on how to enforce lists from sanctions committees, for example stressing the need to respect human rights.

59. In response to the representative of the United States, he said that the interaction between counter-terrorism measures and international humanitarian and human rights law was a complex issue on which there were differences of opinion. He stressed, however, that the right to a fair trial was enshrined in human rights instruments, customary international law and criminal

and anti-terrorism instruments. Even if a State chose to depart from treaty law, the issue of the right to a fair trial must be addressed, and he pointed out that human rights instruments were at times more specific with regard to that right than, for example, common article 3 (1) (d) of the Geneva Conventions of 1949 on international humanitarian law.

60. As for questions relating to missions raised by the representatives of Denmark and Spain, he said that since his missions involved areas affecting national security, States were sometimes slow to respond because they needed time to study the request. He noted the contribution the Counter-Terrorism Committee could make to facilitating his missions. States should take into account human rights when drafting anti-terrorism legislation and he would undertake missions to States to provide advice in that area. He had indicated the countries to which a formal request for a visit had been made and he was preparing requests for other countries. He regretted that his report on his mission to Spain had not been made public as yet and he was not, therefore, in a position to discuss it.

61. With regard to the issues raised by the representative of Cuba relating to the United States military commissions operating in Guantánamo Bay, he said he had concerns about jurisdiction, the use of the term unlawful enemy combatant, which meant that civilians could be tried by military tribunals, and the difference between the types of offences being tried there and what were traditionally considered to be war crimes. He also expressed concern about the possible use of coerced or hearsay testimony and of physical evidence for which the chain of possession was not clear. It was likewise physically difficult to travel to Guantánamo; permission had to be requested, and visitors were escorted at all times, all of which posed the question of accessibility.

62. He welcomed the dialogue with the Government of Turkey during his mission in 2006. As for the question about the compensation commissions posed by the representative of Turkey, he acknowledged that the European Court of Human Rights had recognized those commissions as an acceptable domestic remedy that must be exhausted before appealing to international mechanisms. He nevertheless had concerns because the commissions were not judicial bodies and the judicial review was time-consuming. He likewise had concerns about the ease of access to judicial review.

63. In response to the representative of Pakistan, he said that all Member States were given equal treatment regarding requests for visits; he referred to requests for visits in public meetings once those visits had been referred to in a report or publication. The request for a visit to Pakistan had been included in an earlier report. Furthermore, all references were intended to serve as illustrations of general tendencies; they did not represent an assessment of a country's human rights record in the fight against terrorism.

64. **Ms. Sepúlveda Carmona** (Independent expert on the question of human rights and extreme poverty), introducing her interim report (A/63/274), said that during her mandate she would focus on a number of key areas. Individuals living in poverty were often affected by discrimination and social exclusion, thereby aggravating their situation; equality and the elimination of such discrimination must therefore be a key focus of efforts to eliminate poverty. Vulnerable groups, including women, children, the disabled and indigenous peoples were disproportionately affected by poverty and must be fully integrated into poverty-reduction programmes. The poor must likewise be involved in the design and implementation of such programmes through dialogue with Governments, inter-governmental organizations, NGOs and other stakeholders.

65. She intended to study the impact of poverty reduction from a human rights perspective and welcomed the innovative efforts by a number of States as well as increased South-South cooperation. She would first review cash-transfer programmes, with a view to identifying their effects on the human rights of the poor as well as best practices; in that context she urged delegations to fill out the questionnaires on their domestic poverty-reduction efforts that had been distributed to them. Given that poverty reduction also required international assistance, she would likewise review good practices relating to national capacity-building and the implementation of international commitments. She underscored that international assistance must increase as the level of need increased.

66. There was a lack of awareness of poverty as a human rights issue. The obligation of States to meet the needs of the poor were linked to the need to respect human rights in general, and poverty-reduction

strategies must be based on the principles of equality, non-discrimination, participation, transparency and accountability. Despite the attention devoted to poverty reduction by the Organization and the international community, more than 1.4 billion people currently lived in abject poverty, a situation which could be aggravated by the current economic crises. The poor were victims of discrimination and sometimes violence and received no information about how to lift themselves out of poverty or seek redress for injustices. That was a violation of such basic rights as the right to adequate housing, food, water, health and an adequate standard of living.

67. Current events, including the food crisis, made it more urgent than ever to address the issue of poverty while bearing in mind the human rights aspect. The international community must protect the rights of those living in poverty, particularly vulnerable groups. The effectiveness of policies and programmes must be reviewed to truly meet the needs of the disadvantaged. The current crisis provided the international community with an opportunity to reaffirm its human rights and poverty-reduction commitments, develop innovative approaches to poverty reduction and give special attention to those living in extreme poverty.

68. **Ms. Basso** (France), speaking on behalf of the European Union, acknowledged the link between human rights and poverty and requested more information on what value could be added to poverty-reduction efforts by adopting a human rights approach and on how such an approach could be implemented. More information would likewise be welcome on how to increase the participation of vulnerable groups, including women, children and the handicapped, in the shaping of poverty-reduction policies.

69. **Ms. Sapag** (Chile) welcomed the renewed focus on extreme poverty and requested information on the effectiveness of condition cash-transfer programmes in eliminating extreme poverty, particularly for vulnerable groups including women, children and indigenous peoples. She asked what steps the independent expert intended to take to apply a gender perspective in her work, paying particular attention to the situation and empowerment of women in extreme poverty, as called for in Human Rights Council resolution 8/11.

70. **Mr. Prabowo** (Indonesia) said that extreme poverty was an important human rights issue. International human rights instruments required the international community to establish an environment that promoted and protected human rights. It would be interesting to receive additional information on the question of development aid in the context of the global food and economic crisis. His delegation welcomed the independent expert's reference to the need to respect the principles of equality, non-discrimination, participation, transparency and accountability; in addition, it believed that the principle of empowerment was essential for poverty reduction.

71. **Ms. Volken** (Switzerland) requested clarification of the relationship between the work of the independent expert and the work of the Commission on Legal Empowerment of the Poor, launched in 2005 under the auspices of the United Nations Development Programme. In particular, it should be clarified whether the Commission's reports were taken into account by the independent expert in preparing her reports.

72. **Mr. Parola** (Brazil) said that South-South cooperation was an essential component of poverty reduction; countries in the South hoped that the global economic crisis would not hinder poverty-reduction strategies. Brazil had implemented a number of highly successful strategies, including the "Zero hunger" programme. Between 2003 and 2005, over 10 million Brazilians had managed to rise above the poverty line. Such results showed that the fight against poverty could be won.

73. **Ms. Taracena Secaira** (Guatemala) said that the interim report of the independent expert did not give sufficient coverage to indigenous peoples, even though they accounted for 5 per cent of the global population and 15 per cent of the world's poor. Given that the United Nations Declaration on the Rights of Indigenous Peoples provided the international community with an effective tool for empowering them, it would be interesting to know why almost no reference had been made to indigenous peoples in the report.

74. **Mr. Casal** (Venezuela) said that his delegation agreed with the independent expert that it was essential to involve those affected by poverty in the formulation of poverty-reduction programmes and strategies. Persons living in poverty were stakeholders who must be actively involved in education and health

programmes. Venezuela emphasized grass-roots participation in poverty-reduction strategies. In addition, international cooperation was required to tackle the problem. Through international cooperation, it should be possible to build a new world order based on the principle of social justice. Given that human rights violations could lead to extreme poverty, it would be interesting to learn more about the relationship between the eradication of extreme poverty and respect for international human rights instruments.

75. **Ms. Mballa Eyenga** (Cameroon) said it would be interesting to know how the independent expert planned to contribute to the aims of the Second United Nations Decade for the Eradication of Poverty, and also to learn more about the responsibilities of Governments in defining poverty-eradication strategies. Her delegation wondered whether it might ever be necessary to choose between poverty eradication and respect for human rights.

76. **Mr. Pérez** (Peru) said that his delegation welcomed the interim report's focus on tackling poverty from a human rights perspective and on targeting vulnerable groups. Clarification should be provided for the assertion that poverty was both a cause and a consequence of human rights violations. His delegation also agreed that the participation of the poor in decision-making was crucial to poverty eradication. In the context of the global food and economic crisis, it would be interesting to know whether the independent expert had envisaged special measures for addressing the problem of extreme poverty.

77. **Ms. Sepúlveda Carmona** (Independent expert on the question of human rights and extreme poverty) said it was essential to allow for the participation of the poor in establishing benchmarks and indicators for poverty-reduction strategies, since they had unique insight into the problems faced by Governments in eradicating poverty. In addition, it was essential that public policies should address the question of extreme poverty from a human rights perspective with a special focus on the empowerment of women, who tended to be underrepresented in decision-making and tended to suffer discrimination in both the formal and the informal sectors of the labour market.

78. In order to eradicate poverty, it was essential to step up international cooperation: a Government's capacity to eradicate poverty depended on access to aid and debt relief, a fair market, affordable capital flows and the stability of the global economy. Member States therefore had important obligations towards the international community: States must respect international human rights obligations and commitments, as well as international targets and benchmarks, including the MDGs. States must be sensitive to the needs of developing States and must assign at least 0.5 per cent of their gross domestic product to development assistance. They should also ensure that companies with headquarters in their territory complied with human rights standards. In order to harmonize the work carried out by the various United Nations offices, the work of the independent expert, which focused on human rights, should be closely linked with the aims of the Second United Nations Decade for the Eradication of Poverty.

79. Several Member States, including Brazil, had implemented successful poverty-reduction strategies that served as examples of best practices for other States and showed how domestic legislation could link extreme poverty with respect for human rights. The report had referred to the need for Member States to specifically target vulnerable groups and to allow for the active participation of indigenous peoples in policymaking.

80. In addition to promoting international cooperation and active participation in policymaking, there was a need to explore the empirical relationship between the enjoyment of human rights and extreme poverty. The work of the Commission on Legal Empowerment of the Poor would be taken into account by the independent expert in preparing future reports. There was a clear and close link between the enjoyment of human rights and poverty. For example, some ethnic minorities suffered from structural discrimination in both developing and developed countries. In some of the latter there were pockets of poverty that were extremely difficult to overcome. In all cases, a choice should never be made between protecting human rights and reducing poverty; the protection of human rights and poverty reduction should be mutually reinforcing.

The meeting rose at 5.50 p.m.